

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
CIVIL NO. 20-1534 (DSD/ECW)

Daniel'la Deering,

Plaintiff,

v.

ORDER

Lockheed Martin Corporation,

Defendant.

This matter is before the court on defendant Lockheed Martin Corporation's motion for attorney's fees and costs. Lockheed Martin specifically seeks a ruling that it is entitled to fees and costs incurred relating to its emergency motion for the sanction of dismissal, which the court granted, and in responding to plaintiff Daniel'la Deering's request for reconsideration. Lockheed Martin also seeks fees and costs incurred in preparing for and attending the two settlement conferences in this matter and in bringing a pre-trial motion in limine with respect to economic damages. Deering objects to the motion.

The court has carefully reviewed the parties' submissions and finds that an award of attorney's fees and costs incurred in researching, briefing, and arguing the emergency motion for sanctions and subsequent motion for reconsideration is warranted under the court's inherent powers. The court makes this finding based on the conduct addressed in its order dismissing the case,

which will not be repeated here. Although the court expressed concerns about the settlement conference letters submitted to the magistrate judge, it cannot conclude at this time that Deering wholly failed to participate in the settlement conferences in bad faith such that the additional sanction of attorney's fees would be warranted. Nor does the court find that attorney's fees are appropriate relating to the motion in limine.

As a result, the court will allow Lockheed Martin to submit a fee petition as specified above. See Fed. R. Civ. P. 54(d)(2)(C) ("The court may decide issues of liability for fees before receiving submissions on the value of services."). The court declines to issue the sanction of attorney's fees against Deering's previous counsel in this case.

Accordingly, **IT IS HEREBY ORDERED** that:

1. The motion for attorney's fees and costs [ECF No. 253] is granted;
2. Defendant shall file a fee petition on or before September 8, 2023; and
3. Plaintiff shall file a response on or before September 22, 2023.

Dated: August 29, 2023

s/David S. Doty
David S. Doty, Judge
United States District Court